



19 AUG 2005

473

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FULBRIGHT & JAWORSKI LLP  
600 CONGRESS AVENUE  
SUITE 2400  
AUSTIN, TX 78701

In re Application of :  
DE CROMBRUGGHE et al. :  
Application No.: 10/534,099 : DECISION ON  
PCT No.: PCT/US03/35139 :  
Int. Filing Date: 04 November 2003 : PETITION UNDER  
Priority Date: 04 November 2002 :  
Attorney Docket No.: UTSC:772US : 37 CFR 1.137(b)  
For: HA4,A NEW OSTEOBLAST-AND :  
CHONDROCYTE-SPECIFIC SMALL SECRETED :  
PEPTIDE, COMPOSITIONS AND METHODS OF USE :  
:

This decision is in response to applicants' submission filed 06 May 2005.

**BACKGROUND**

On 04 November 2003, applicants filed international application PCT/US03/35139 which designated the U.S. and claimed a priority date of 04 November 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 April 2005.

On 06 May 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a petition under 37 CFR 1.137(b) to revive the application.

**DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant has failed to submit the required reply, the U.S. Basic National Fee.

As to item (2), applicant submitted the petition fee on 06 May 2005.

As to item (3), a grantable petition has not yet been filed.

**CONCLUSION**

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice, for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301  
Facsimile: (571) 273-0459